

REGULAR MEETING
BOROUGH COUNCIL
BOROUGH OF RUMSON
March 25, 2008

A regular meeting of the Borough Council of the Borough of Rumson was held in the Charles S. Callman Courtroom of the Memorial Borough Hall on March 25, 2008 and was called to order by Mayor John E. Ekdahl at 7:30 p.m.

Pledge of Allegiance.

Present: Mayor Ekdahl, Councilwoman DeVoe, Councilmen Broderick, Rubin and Shanley.

Absent: Councilmen Hemphill and Kammerer.

Thomas S. Rogers, Municipal Clerk/Administrator, was present.

Martin M. Barger, Borough Attorney, was present.

C. Bernard Blum, Jr., Borough Engineer, was not present.

David Marks of T & M Associates was present.

The Mayor declared a quorum present and announced that the notice requirements of the Open Public Meetings Act had been met by the posting and mailing of a schedule of all regular and work meetings of the Borough Council for the year 2008 to the *Asbury Park Press* and the *Two River Times*.

On motion by Councilwoman DeVoe, seconded by Councilman Rubin, the minutes of the previous meeting were approved as written, copies having been forwarded to all Council members. All in favor.

COMMUNICATIONS:

LETTER FROM KAREN HYATT RESIGNING HER POSITION AS A MEMBER OF THE ENVIRONMENTAL COMMISSION:

The Municipal Clerk/Administrator advised of a letter dated March 11, 2008 from Karen Hyatt advising of her resignation as a member of the Environmental Commission due to her active schedule.

On motion by Councilwoman DeVoe, seconded by Councilman Broderick, this communication was ordered received and Mrs. Hyatt's resignation from the Environmental Commission was accepted with regret and thanks for her service to the Borough. All in favor.

LETTER FROM THE STATE OF NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION ADVISING THAT THE BOROUGH'S MUNICIPALITY 2008 CLEAN COMMUNITIES ENTITLEMENT IS \$9,664.83

The Municipal Clerk/Administrator advised of a letter to the Mayor dated March 17, 2008 from Lisa P. Jackson, Commissioner of the State of New Jersey Department of Environmental Protection, informing him that the Borough's municipality 2008 Clean Communities entitlement is \$9,664.83 and that disbursement would be no later than the end of April 2008.

On motion by Councilman Rubin, seconded by Councilman Broderick, this communication was ordered received. All in favor.

LETTER FROM THE STATE OF NEW JERSEY DEPARTMENT OF THE TREASURY DIVISION OF CONTRACT COMPLIANCE AND EQUAL OPPORTUNITY IN PUBLIC CONTRACTS ADVISING THAT THE BOROUGH WAS FOUND TO BE IN COMPLIANCE DURING THE MARCH 13, 2008 PUBLIC AGENCY REVIEW:

The Municipal Clerk/Administrator advised of a letter to the Mayor dated March 20, 2008 from John Ruth, Jr., Supervising Affirmative Action Assistant of the State of New Jersey Department of the Treasury Division of Contract Compliance and Equal Employment Opportunity in Public Contracts, advising that the Borough was found to be in compliance with the mandates of the P.L. 1975, c. 127(N.J.A.C.) 17:27 during the March 13, 2008 public agency review for years 2005, 2006 and 2007.

On motion by Councilwoman DeVoe, seconded by Councilman Shanley, this communication was ordered received. All in favor.

COMMITTEE REPORTS:

None.

UNFINISHED BUSINESS:

ORDINANCE 08-003 TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK. PUBLIC HEARING:

The Municipal Clerk/Administrator stated that an ordinance entitled:

08-003

AN ORDINANCE TO EXCEED THE MUNICIPAL BUDGET
APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK
(N.J.S.A. 40A: 4-45.14)

was scheduled for public hearing at this time. He stated that the ordinance had been posted and published and the affidavit of publication is on file.

On motion by Councilman Broderick, seconded by Councilman Rubin, the public were given an opportunity to be heard on this ordinance in final reading. All in favor.

There was no response from the public.

On motion by Councilman Broderick, seconded by Councilman Shanley, the public hearing on this ordinance was declared closed. All in favor.

Councilman Broderick moved the adoption of this ordinance in final reading. Motion seconded by Councilman Rubin and carried on the following roll call vote:

In the affirmative: Broderick, DeVoe, Rubin and Shanley.

In the negative: None.

Absent: Hemphill and Kammerer.

NEW BUSINESS:

TEMPORARY EMERGENCY APPROPRIATION RESOLUTION:

Councilman Broderick offered the following resolution and moved its adoption:

RESOLUTION

WHEREAS, the temporary appropriations previously adopted will be inadequate to the point when the 2008 Budget will be finally adopted; and

WHEREAS, N.J.S.A. 40A:4-20 states that the Governing Body may, by resolution adopted by a 2/3 vote of full membership, make emergency temporary appropriations for any purposes for which appropriations may lawfully be made for the period between the beginning of the current fiscal year and the date of the adoption of the budget for said year;

BE IT RESOLVED by the Mayor and Council of the Borough of Rumson that the following emergency temporary appropriations, in addition to the temporary appropriations already adopted, be adopted, and it is stated that these emergency temporary appropriations shall be included in the 2008 Budget when adopted.

BE IT FURTHER RESOLVED that a certified copy of this Resolution be forwarded to the Borough Chief Financial Officer, and the Director of the Division of Local Government Services.

Shade Tree – Other Expenses	\$ 1,300.00
P.F.R.S.	\$ 500.00

Resolution seconded by Councilwoman DeVoe and carried on the following roll call vote:

In the affirmative: Broderick, DeVoe, Rubin and Shanley.

In the negative: None.

Absent: Hemphill and Kammerer.

RESOLUTION AUTHORIZING THE CASH BOND REDUCTION FOR THE MINOR SUBDIVISION OF MICHAEL KOSTUK:

In answer to questions by the Council, the Municipal Clerk/Administrator advised that the property for the Minor Subdivision was at 15 Avenue of Two Rivers South and that the required work had been inspected by the Borough Engineer (at Mr. Kostuk's request) and the Roadway Improvements had been successfully completed, which would reduce the Bond.

Councilman Shanley offered the following resolution and moved its adoption:

RESOLUTION

WHEREAS, as a condition of a minor subdivision, Michael Kostuk posted a cash bond in the amount of \$5,262.00 to guarantee the installation of road improvements, monuments and street trees as follows:

- Roadway Improvement to a 100 foot section of Avenue of Two Rivers \$3,942.00
- Installation of one (1) Survey Monument \$ 120.00
- Installation of four (4) Street Trees \$1,200.00

; and

WHEREAS, Mr. Kostuk recently requested a refund of this cash bond; and

WHEREAS, in a letter dated March 21, 2008, Bonnie Heard, Supervising Engineer, inspected the site and found that the applicant has satisfactory completed the required roadway improvements, however, the street trees have not been planted. Additionally, Ms. Heard confirmed that the applicant has not submitted a certification from his surveyor that the required survey monument has been set. Since a significant portion of the work has been completed, Ms. Heard recommends that the Performance Bond in the amount of \$5,262 be reduced to \$1,320, which is 120% of the estimated cost of the installation of the street trees and the survey monument as noted above;

NOW, THEREFORE, BE IT RESOLVED that the Borough Council of the Borough of Rumson hereby approves the reduction of the cash bond from \$5,262.00 to \$1,320.

BE IT FURTHER RESOLVED that the Chief Financial Officer is authorized to refund \$3,942 plus any statutory interest to Mr. Kostuk.

Resolution seconded by Councilman Broderick and carried on the following roll call vote:

In the affirmative: Broderick, DeVoe, Rubin and Shanley.

In the negative: None.

Absent: Hemphill and Kammerer.

RESOLUTION AUTHORIZING THE REFUND OF REDEMPTION MONIES TO CULMAC INVESTORS, INC. FOR 2005 DELINQUENT TAXES AND SEWER CHARGES FOR 68 BLACKPOINT ROAD:

Councilwoman DeVoe offered the following resolution and moved its adoption:

RESOLUTION AUTHORIZING REFUND OF REDEMPTION MONIES

TO CULMAC INVESTORS, INC.

WHEREAS, at the Municipal Tax Sale held on December 1, 2006, a lien was sold on Block 54, Lot 5, also known as 68 Blackpoint Road in Rumson, for 2005 delinquent taxes and sewer charges; and

WHEREAS, this lien, known as Tax Sale Certificate #060001, was sold to Culmac Investors, Inc., for a 0% interest rate and a \$1,000.00 premium; and

WHEREAS, Joseph Castelluci, attorney for 68 Blackpoint Road, LLC, purchasers, has effected redemption of Certificate #060001 in the amount of \$15,766.31.

NOW, THEREFORE, BE IT RESOLVED that the Borough Council of the Borough of Rumson hereby authorize the Chief Financial Officer to issue a check in the amount of \$15,766.31 payable to Culmac Investors, Inc. PO Box 251, Monmouth Beach, NJ 07750 for the redemption of Tax Sale Certificate #060001; and

BE IT FURTHER RESOLVED that the Chief Financial Officer be authorized to issue a check in the amount of \$1,000.00 (Premium) to the aforementioned lien holder; and

BE IT FURTHER RESOLVED that a certified copy of this Resolution be forwarded to the Tax Collector and the Chief Financial Officer.

Resolution seconded by Councilman Broderick and carried on the following roll call vote:

In the affirmative: Broderick, DeVoe, Rubin and Shanley.

In the negative: None.

Absent: Hemphill and Kammerer.

RESOLUTION AUTHORIZING THE REFUND OF REDEMPTION MONIES TO CRUSADER SERVICING CORPORATION FOR 2003 DELINQUENT TAXES AND SEWER CHARGES FOR 132 EAST RIVER ROAD:

Councilman Broderick offered the following resolution and moved its adoption:

**RESOLUTION AUTHORIZING REFUND OF REDEMPTION MONIES
TO CRUSADER SERVICING CORPORATION**

WHEREAS, at the Municipal Tax Sale held on December 1, 2004, a lien was sold on Block 54, Lot 6, also known as 132 E. River Road in Rumson, for 2003 delinquent taxes and sewer charges; and

WHEREAS, this lien, known as Tax Sale Certificate #040003, was sold to Crusader Servicing Corporation for a 18% interest rate; and

WHEREAS, Joseph Castelluci, attorney for 132 E River Road, LLC, purchasers, has effected redemption of Certificate #040003 in the amount of \$98,233.68.

NOW, THEREFORE, BE IT RESOLVED that the Borough Council of the Borough of Rumson hereby authorize the Chief Financial Officer to issue a check in the amount of \$98,233.68 payable to Crusader Servicing Corporation, 179 Washington Lane, Jenkintown, PA 19046 for the redemption of Tax Sale Certificate #040003; and

BE IT FURTHER RESOLVED that a certified copy of this Resolution be forwarded to the Tax Collector and the Chief Financial Officer.

Resolution seconded by Councilman DeVoe and carried on the following roll call vote:

In the affirmative: Broderick, DeVoe, Rubin and Shanley.

In the negative: None.

Absent: Hemphill and Kammerer.

RAFFLE APPLICATION FOR MONMOUTH MEDICAL CENTER FOUNDATION FOR A 50/50 RAFFLE:

The Municipal Clerk/Administrator stated that he had received an application for a raffle from Monmouth Medical Center Foundation, 300 Second Avenue, Long Branch. Said raffle to be held at the home of John and Marjorie Tedesco, 90 West River Road on June 28, 2008 at 10:30 p.m.

The Clerk stated that the application was in order and fees paid.

On motion by Councilwoman DeVoe, seconded by Councilman Shanley, this application was approved. All in favor.

FINANCIAL OFFICER'S REPORT:

The Financial Officer's Report disclosed the following cash on hand in the Current Fund Account as of March 25, 2008:

Wachovia Bank		
Balance:	02/26/08	\$10,545,286.31
Cash Receipts:	February	\$ 289,400.93
	March	\$ 1,597,828.47
Void Checks		\$ 0.00
Disbursements:		
Pre-Paid Postage & Debt Service		\$ 0.00
Bills & Claims:	03/11/08	\$ (4,324,281.54)
Bills & Claims:	03/25/08	\$ (748,377.64)
Payroll:	02/29/08	\$ (201,449.27)
Payroll:	03/15/08	\$ (203,445.63)
Wachovia Bank Balance:		<u>\$ 6,954,951.63</u>
Certificate of Deposits:		\$ 7,000,000.00

Total Current Fund:

\$13,954,951.63

On motion by Councilman Broderick, seconded by Councilman Shanley, the Financial Officer's Report was ordered received and carried on the following roll call vote:

In the affirmative: Broderick, DeVoe, Rubin and Shanley.

In the negative: None.

Absent: Hemphill and Kammerer.

Mayor Ekdahl stated that the record show that Councilman Kammerer arrived at this time.

CONSIDERATION OF BILLS AND CLAIMS (RESOLUTION):

In answer to a question by Councilwoman DeVoe, the Municipal Clerk/Administrator advised that the payment to Siciliano Landscape in the Endowment Inc. Account was for the maintenance of the grounds at Bingham Hall.

Councilman Shanley offered the following resolution and moved its adoption:

\$	23.00	MGL Printing Solutions
\$	23.00	Animal Control Account
\$	33.50	Acme Locksmith Service
\$	456.93	Action Office Supplies
\$	4,655.35	Adamson Industries Corp
\$	782.00	Americanwear Indust Uniforms
\$	20.00	APWA-NJ Chapter
\$	655.00	AR Communications
\$	465.56	Asbury Park Press
\$	348.58	Atlantic Plumbing
\$	109.09	Atlantic Plumbing Supply Co
\$	61.11	AT&T
\$	139.30	Avaya Inc
\$	1,600.00	Becker Tree Service
\$	498,144.40	Borough of Rumson
\$	289.20	William Brush
\$	75.00	Butches Auto Car Wash
\$	528.66	Circle Chevrolet
\$	57.03	Coast Cities Equipment Sales
\$	578.40	Edwin Connor
\$	2,145.00	Copy Dynamics Inc
\$	98,233.68	Crusader Servicing Corp
\$	16,766.31	Culmac Investors Inc
\$	1,176.53	Custom Tire Associates
\$	25.50	Deptcor

\$	1.10	Easylink Services Corp
\$	269.89	Fair Haven Hardware
\$	578.40	James F Gallagher
\$	386.00	Garden State Highway
\$	289.20	Ella Gaynor
\$	134.21	Home Depot Commercial Credit
\$	87.05	Int'l Trucks of Central Jersey
\$	79.90	JB Sales and Service
\$	506.40	Gerald Kelly
\$	78.60	Kepwell Natural Spring Water
\$	578.40	William Kirkpatrick
\$	285.15	Mike Kostuk
\$	265.20	John H Lacey Jr
\$	36.10	Mazza and Sons Recycling
\$	350.00	McCarter & English LLP
\$	3,348.00	Mickey Benoit Inc
\$	9,483.38	Treasurer County of Monmouth
\$	647.75	Monmouth County Bd of Taxation
\$	39.50	Peter J Monaco
\$	642.13	Monmouth Telecom
\$	578.40	Royal E Moss
\$	132.00	Motorola Communications
\$	289.20	Elizabeth Murphy
\$	289.20	Jacquelyn Murphy
\$	578.40	Patricia Murphy
\$	209.84	Naylor's Inc
\$	377.25	Neopost Inc
\$	95.00	NJ Shade Tree Federation
\$	304.84	NJ Natural Gas Co
\$	122.60	Norwood Auto Parts
\$	120.46	One Call Systems
\$	289.20	William J Patton
\$	175.00	Powerhouse Sign Works
\$	289.20	Joseph Raniere
\$	3,630.23	R & R Pump Control Service LLC
\$	25.00	Rutgers The State University
\$	578.40	James Scalzo
\$	30.50	Seaboard Welding Supply Inc
\$	96.40	The Estate of Thomas Shea
\$	578.40	James Shea
\$	289.20	Doris M Shea
\$	578.40	Joseph Sorrentino
\$	205.50	Jeffrey R Surenian & Assoc LLC
\$	578.40	James & Pauline Tanner
\$	1,105.00	Targeted Technologies LLC
\$	37,405.30	T & M Associates
\$	6,741.53	Tony D's Auto Body Inc
\$	200.00	Treasurer State of NJ
\$	86.86	Trico Equipment Inc

\$	1,800.00	Trilex Ltd
\$	25.46	The Two River Times
\$	22,320.00	Two Rivers Water Reclamation
\$	400.65	Verizon
\$	257.31	Verizon Wireless
\$	289.20	Emily Wagner
\$	578.40	Lorraine & Robert Watson
\$	598.18	Werner Dodge
\$	289.20	Ruth M Widmaier
\$	439.94	Winter Equipment Co
\$	110.79	Witmer Associates Inc
\$	289.20	Robert Zerr
\$	19,550.00	Lincoln Nat'l Life Insurance
\$	17.11	Mid-Atlantic Truck Center Inc
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\$	748,377.64	Current Fund
\$	36.83	Lisa Hogan
\$	319.27	Paul David Partywares LLC
\$	420.00	Siciliano Landscape
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\$	776.10	Endowment Inc Account
\$	498,644.40	State of New Jersey – Pensions
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\$	498,644.40	Pension Account
\$	9,559.05	Athlete's Alley
\$	240.09	Atlantic Plumbing Supply Co
\$	1,080.00	Gerard Dooley
\$	600.00	Eastern Monmouth Sport Assoc
\$	56.10	Fair Haven Hardware
\$	3,511.50	Firehouse Specialty Shop Inc
\$	170.00	Kim Healey
\$	43.48	Home Depot Commercial Credit
\$	280.00	Chuck Iarussi
\$	1,480.00	Paul J Keany
\$	100.00	Jill McGrath
\$	80.00	Christine Saavedra
\$	542.00	SS Marine
\$	46.72	Up Tite Fasteners
\$	150.00	US Lacrosse
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\$	17,938.94	Recreation Account
\$	3,942.00	Mike Kostuk
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\$	3,942.00	Trust Account
\$	66,005.69	Current Fund Appropriations
\$	682,371.95	Current Fund Appropriations
\$	23.00	Animal Control Fund Expenses

\$	776.10	Endowment Disbursements
\$	17,938.94	Recreation Disbursements
\$	502,586.40	Trust Fund – Other Expenses
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\$	1,269,702.08	Total Of All Funds

Resolution seconded by Councilman Broderick and carried on the following roll call vote:

In the affirmative: Broderick, DeVoe, Kammerer, Rubin and Shanley.

In the negative: None.

Absent: Hemphill.

COMMENTS FROM THE COUNCIL:

The Mayor afforded the members of the Council an opportunity to be heard at this time and no one responded.

COMMENTS FROM THE PUBLIC:

The Mayor afforded the public an opportunity to be heard at this time and the following residents responded:

Ann Marie Littlefield of 22 Grant Avenue stated that on her street between Waterman Avenue and South Ward Avenue there were five homes that were rentals and she wanted to know if the Borough had an ordinance or any rules or regulations that landlords had to follow regarding to whom they rent or property maintenance. Mrs. Littlefield stated that she had looked and couldn't find any and hoped the Council could help her.

Mayor Ekdahl stated that the maintenance of the property was covered in the Borough Ordinances.

The Municipal Clerk/Administrator advised that the maintenance of the property would be the same for rentals as for any property and would be an issue for Code Enforcement to have letters sent to the property owners. He added that there were no ordinances regulating the rental of any properties.

Mrs. Littlefield stated that she knew the names of the renters but not the property owners and wondered if the Borough could provide information on the owners.

Councilman Kammerer asked Mrs. Littlefield what was the nature of the issues with which she needed help.

Mrs. Littlefield stated that there were issues of noise and also garbage in the front yards; the renters do not have consideration for the neighbors and do not take care of the property.

Councilwoman DeVoe asked if Mrs. Littlefield was requesting contact information.

Mrs. Littlefield stated that she felt that the people in the neighborhood should be informed by the owners of their contact information when their houses were rented. She said that some of the renters have parties until 3:00 a.m. or people coming and going at all hours and that her children have been awakened during the night. Mrs. Littlefield requested that the Borough set regulations that the landlord would have to follow and if not followed the landlord would be fined.

Mayor Ekdahl stated that the Borough Ordinances affect all properties, but he stated that it didn't seem unreasonable to have some set of rules—we wouldn't want to allow weekly rentals for example. The Mayor asked the Borough Attorney for his opinion.

The Borough Attorney stated that owners could do with their property as they wished.

Mrs. Littlefield stated that most of the landlords on her street were responsible and considerate to the others in the neighborhood but there were a couple who were not.

The Borough Attorney asked if they were rentals to groups or individuals.

Mrs. Littlefield stated that she thought that there were three or four single, young men living in one house and another was a family.

The Borough Attorney stated that group rentals could be controlled, as they have done in Belmar, but an owner renting to another family had the right to do so. He stated that the property still had to be maintained, they couldn't make noise and had to use the property as anyone else would and that it was a matter of enforcement.

Mrs. Littlefield stated that she would like to see that the neighbors have the information on the owners and know that they would be held accountable.

The Borough Attorney stated that the ownership of a piece of property was public information and that anyone could go to the Tax Office and find out who owns the property.

Mrs. Littlefield stated that she felt that there should be something in place to hold the landlords accountable for their tenants so that they would do a better check on the renters. She added that she didn't want to be put in the position of having to call the Police all the time to complain and that the landlord should be informed and responsible.

The Borough Attorney stated that the landlords could be informed, but if they were not at the location they couldn't be cited—those present at the location would be cited for noise. He added that, as far as maintenance was concerned, the landlord was ultimately responsible and could be charged if they did not maintain their property.

Mrs. Littlefield stated that she had a copy of Ocean Township's regulations that addressed the issue thoroughly.

The Borough Attorney stated that we would be happy to take a look at it.

Councilman Rubin stated that complaints could be made to Code Enforcement if there was garbage in the yards of the renters.

Councilman Kammerer stated that he didn't understand the reluctance to make a noise complaint, adding that he would make a complaint no matter who it was. He added that the Council didn't know what they could do unless the resident did complain. Perhaps with a few complaints on record with the Police Department, then there might be a reason to send a letter to the landlord to rectify the situation or action could be taken.

Mrs. Littlefield stated that in Ocean Township, when three substantiated complaints were made then the landlord had to respond. She stated that she felt that the people would be more careful if they were held accountable.

The Borough Attorney stated that the Ocean Township Ordinance referred to summer rentals and was very similar to the one that Belmar had.

Mrs. Littlefield stated that the renters in her neighborhood were year-round not summer rentals.

The Borough Attorney stated that the Borough could look into an ordinance regarding landlord responsibility.

Councilman Rubin stated that there should be a record of complaints that could be tracked.

Councilman Kammerer advised Mrs. Littlefield that she should call the Police Department with complaints of excessive noise so that they were on record.

Mayor Ekdahl stated that the Council would take a look at this issue to see if there was something that could be done.

The Borough Attorney stated that we could modify it to be all rentals not just summer rentals.

Mrs. Littlefield thanked the Mayor and Council for their time.

Jennifer Littman of 69 South Ward Avenue stated that she wanted to address the issue of motorists speeding on South Ward Avenue and the danger at the bend in the road at the corner of South Ward and Grant Avenues in front of her house. She stated that on Easter Sunday a motorcycle (someone from North Jersey visiting for the holiday) sped up coming around that bend and hit a tree on the corner. Mrs. Littman stated that she would like the speed limit to be enforced for the safety of the residents and especially the children in the neighborhood. She stated that there were a couple 25 m.p.h. signs but nothing else.

Mayor Ekdahl stated that it would be brought to the attention of the Police Chief and that Mrs. Littman's comments would be passed along to him. He added that the Police Department had radar everyday somewhere in town for at least one hour per shift, which would be a total of three hours per day.

Mrs. Littman stated that the long stretch of road on South Ward Avenue has become a raceway for traffic coming up from the south. She stated that the motorcycle accident on Easter Sunday scared her and she felt that she had to do something to perhaps get a stop sign at the corner or something to help.

Mayor Ekdahl stated that enforcement would raise the awareness of the local residents but wouldn't have helped the motorcyclist from North Jersey. He thanked Mrs. Littman for bringing this matter to the Council's attention.

ADJOURNMENT:

On motion by Councilman Broderick, seconded by Councilman Rubin, the meeting adjourned at 7:52 p.m. All in favor.

Respectfully submitted,

Thomas S. Rogers, R.M.C.
Municipal Clerk/Administrator